

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JASON RAY SMITH, #02321304, §
Plaintiff, §
§
v. § Case No. 6:21-cv-491-JDK-KNM
LT. CASANDRA SHAW, et al., §
§
Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jason Ray Smith, a prisoner currently confined at the Robertson Unit within the Texas Department of Criminal Justice (“TDCJ”) proceeding pro se and in forma pauperis, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On January 17, 2025, the Magistrate Judge issued a Report (Docket No. 21) recommending that Plaintiff’s lawsuit be dismissed with prejudice for the failure to state a claim upon which relief may be granted as barred by the statute of limitations. The docket reflects that Plaintiff received a copy of the Report on January 28, 2025. Docket No. 22. However, Plaintiff has not filed objections.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not file any objections to the Report. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 21) as the findings of this Court. This case is **DISMISSED** with prejudice for the failure to state a claim upon which relief may be granted. All pending motions are **DENIED** as moot.

So **ORDERED** and **SIGNED** this 20th day of February, 2025.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE